

## LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1992

[Public Law 102-90]

### [SECTION 312 OF THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1992]

[As Amended Through P.L. 116–136, Enacted March 27, 2020]

[Currency: This publication is a compilation of the text of Public Law 102-90. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

SEC. 312. [2 U.S.C. 2062] (a)(1) The Chief Administrative Officer of the House of Representatives shall maintain and operate a child care center (to be known as the “House of Representatives Child Care Center”) to furnish pre-school child care and (subject to the approval of regulations by the Committee on House Administration) child care for school age children other than during the course of the ordinary school day—

(A) for children of individuals whose pay is disbursed by the Chief Administrative Officer of the House of Representatives and children of support personnel of the House of Representatives;

(B) if places are available after admission of all children who are eligible under subparagraph (A), for children of individuals whose pay is disbursed by the Secretary of the Senate and children of employees of agencies of the legislative branch; and

(C) if places are available after admission of all children who are eligible under subparagraph (A) or (B), for children of employees of other offices, departments, and agencies of the Federal Government.

(2) Children shall be admitted to the center on a nondiscriminatory basis and without regard to any office or position held by their parents.

(b)(1)(A) The Speaker of the House of Representatives shall appoint 15 individuals (of whom 7 shall be upon recommendation of the minority leader of the House of Representatives), to serve without pay, as members of an advisory board for the center. The board shall—

(i) provide advice to the Chief Administrative Officer on matters of policy relating to the administration and operation

of the center (including the selection of the director of the center);

(ii) be chosen from among Members of the House of Representatives, spouses of Members, parents of children enrolled in the center, and other individuals with expertise in child care or interest in the center; and

(iii) serve during the Congress in which they are appointed, except that a member of the board may continue to serve after the expiration of a term until a successor is appointed.

(B) The director of the center shall serve as an additional member of the board, ex officio and without the right to vote.

(2) A vacancy on the board shall be filled in the manner in which the original appointment is made.

(3) The chairman of the board shall be elected by the members of the board.

(c) In carrying out subsection (a), the Chief Administrative Officer is authorized—

(1) to collect fees for child care services;

(2) to accept such gifts of money and property as may be approved by the Chairman and the ranking minority party member of the Committee on House Oversight of the House of Representatives, acting jointly; and

(3) to employ a director and other employees for the center.

(d)(1) There is established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the “House Child Care Center Revolving Fund” (hereafter in this section referred to as the “Fund”), consisting of the amounts received under subsection (c) and any other funds deposited by the Chief Administrative Officer of the House of Representatives from amounts received by the House of Representatives with respect to the operation of the center. Except as provided in paragraphs (2) and (3), the Fund shall be the exclusive source for all salaries and expenses for activities carried out under this section.

(2) With respect to employees of the center, the House of Representatives shall make Government contributions and payments for health insurance, retirement, employment taxes, and similar benefits and programs (including the subsidies provided on behalf of employees of the center as a result of reductions in the amount of tuition otherwise charged with respect to children of such employees under paragraph (4)) in the same manner as such contributions and payments are made for other employees of the House of Representatives.

(3) The House of Representatives shall make payments from amounts provided in appropriations acts for salaries and expenses of the Office of the Chief Administrative Officer for the following activities carried out under this section:

(A) The payment of the salary of the director of the center, and, at the option of the Chief Administrative Officer during an emergency situation, the payment of the salary of other employees of the Center.

(B) The reimbursement of individuals employed by the center for the cost of training classes and conferences in connection with the provision of child care services, together with

the cost of travel (including transportation and subsistence) incurred in connection with such classes and conferences.

(C)<sup>1</sup> During an emergency situation, the payment of such other expenses for activities carried out under this section as the Chief Administrative Officer determines appropriate.

(4) In the case of a child of an employee of the center who is furnished care at the center, the Chief Administrative Officer shall reduce the amount of tuition otherwise charged with respect to such child during a month by the greater of—

(A) 50 percent; or

(B) such percentage as may be necessary to ensure that the total amount of tuition paid by the employee with respect to all children of the employee who are furnished care at the center during the month does not exceed \$1,000.

(e) The Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

(f)<sup>2</sup> As used in this section—

(1) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term “agency of the legislative branch” means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office<sup>3</sup>, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

(3) the term “support personnel” means, with respect to the House of Representatives, any employee of a credit union or of the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.

(f)<sup>2</sup> House Resolution 21, Ninety-ninth Congress, agreed to December 11, 1985, enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (40 U.S.C. 184b-184f) is repealed.

<sup>1</sup> Sectopm 19002(a)(2) of Public Law 116-136, which directed that subparagraph (C) be added “at the end” of subsection (d)(3)(A), was executed by adding subparagraph (C) at the end of subsection (d)(3), to reflect the probable intent of Congress.

Also, the margin is so in law.

<sup>2</sup> There are two subsection (f)s in section 312.

<sup>3</sup> The entity called the General Accounting Office was redesignated as the Government Accountability Office by section 8 of Public Law 108-271 (118 Stat. 814).